JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Nursing

FILED

JUN 2 0 2013

N.J. BOARD OF NURSING

By: DAG Susan Carboni Tel. (973) 648-2894

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION: OR REVOCATION OF THE LICENSE OF:

· Administrative Action

LINNETTE ALLEN, L.P.N. LICENSE # NP 06476100

ORDER OF SUSPENSION

OF LICENSE

TO PRACTICE AS A LICENSED PRACTICAL NURSE IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing (" Board") upon the receipt of information indicating the following;

1. Respondent, Linnette Allen, is the holder of License
No. NP 06476100 and is a licensed practical nurse in the State of
New Jersey.

- 2. Respondent entered into a private letter agreement with the Board, which she signed on or about June 27, 2012. (Exhibit A) The agreement required respondent to enroll in the Recovery and Monitoring Program of New Jersey (RAMP), undergo evaluation and monitoring, agree to follow recommendations by RAMP for further treatment, and to refrain from the use of any and all potentially addictive substances. (Exhibit A, ¶2, 6, and 10.) The agreement was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. In the event that the Board received reliable information that respondent had acted in violation of the RAMP contract and/or the agreement, the agreement was no longer to remain confidential.
- 3. In a communication dated February 1, 2013, RAMP's Interim Director advised the Board that respondent was noncompliant with RAMP monitoring requirements. (Exhibit B)
- 4. On or about May 21, 2013, a letter issued by overnight and regular mail to respondent at her address of record, and at an alternative address indicated on her RAMP compliance report forms, advising respondent that the Board had received credible information indicating that she was not in compliance with the private letter agreement, and advising her to forward within five days any proof that she was currently in compliance with RAMP. The overnight mailing to respondent's address of record was returned. The overnight mailing sent to the address on the RAMP

compliance report was delivered on May 22, 2013. The regular mailings were not returned. No response has been received to date. (Exhibit C)

- 5. The private letter agreement signed by respondent provided for automatic suspension of respondent's nursing license upon receipt of reliable information indicating that respondent has violated any term of the private letter agreement. (Exhibit A,  $\P13$ )
- 6. A certification from RAMP's Director dated June 12, 2013 indicates that respondent ceased participating in RAMP after January 7, 2013. Since that date she has stopped calling in daily as required by RAMP, has failed to attend scheduled drug screenings, has ceased attending peer group meetings, and although she telphoned RAMP on May 29, 2013, she has not returned to compliance with the program. (Exhibit D) This conduct constitutes a violation of the private letter agreement signed by respondent.

IT IS on this 20 day of June, 2013
HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey shall be and hereby is suspended for her violation of the private letter agreement, which is deemed a violation of a Board Order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e).

- 2. Respondent may, under the terms of the private letter agreement, upon notice, request a hearing on the sole issue of whether respondent has failed to comply with the terms of the private letter agreement.
- In the event that respondent seeks reinstatement of her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without respondent's demonstrating that she is in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP.

NEW JERSEY STATE BOARD OF NURSING

By:

Patricia Ann Murphy, PhD, APN, C

Board President

# EXHIBIT

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KIM GUADAGNO

### New Jersey Office of the Attorney General

Division of Consumer Affairs New Jersey Board of Nursing 124 Halsey Street, 6th Floor, Newark NJ 07102 www.njconsumeraffairs.gov/medical/nursing.htm



PAULA T. DOW Attorney General

THOMAS R. CALCAGNI Acting Director

Mailing Address: P.O. Box 45010 Newark, NJ 07101 (973) 504-6430

June 5, 2012

#### Regular Mail

Ms. Linnette Allen 3720 Herbert Ave Apt C Pennsauken, NJ 08110

26NP064761000

Re: Private letter agreement

NOT FOR PUBLIC DISCLOSURE

Dear Ms. Allen:

The New Jersey Board of Nursing and/or RAMP has reviewed information which reveals that you may have problems related to mental health and/or substance abuse that could have affected and/or might subsequently affect your nursing activities. The Board has therefore authorized me to propose to resolve this matter by private letter agreement. However, if this agreement is not returned signed within fifteen (15) days, this offer may be withdrawn. Moreover this offer of private resolution is premised on the information of which the Board and/or RAMP is currently aware, i.e., that the Board was advised in May 2012 by Mt. Laurel Center and Rehabilitation that you were suspected of diverting Percocet and Xanax while on duty. In the event that information emerges indicating that the dimensions of the problem are greater than indicated above, or that your conduct results in a criminal conviction, the Board reserves the right, in light of its responsibilities, to take public disciplinary action. Except as indicated above, or if the Board receives reliable information indicating that you have violated this agreement, the Board will shall maintain the confidentiality of this letter agreement.

In order to determine how to finally resolve this matter, the Board requests that you sign this document in order to indicate that you:

- 1. Agree to undergo a comprehensive mental health and substance abuse evaluation to be conducted by a qualified mental health evaluator as recommended by the Recovery and Monitoring Program of New Jersey (RAMP) within 30 days hereof, if required by RAMP. Agree that the evaluator shall prepare a report which shall include an evaluation of your mental health condition and substance use history (if any), whether you are able to safely and competently practice nursing, and said report shall include recommendations for further treatment and monitoring, if applicable, including the need for continued random urine screens, or limitations of practice.
- 2. Agree to enroll in RAMP (The Recovery and Monitoring Program) for a minimum of 90 days during which time you shall be required to undergo random observed urine screens panel or hair screens, submit monthly self-evaluation reports, and attend regular Peer Support Meetings. Your failure to submit to or provide a urine or hair sample when requested, failure to supply

reports on a timely basis, and failure to attend peer support meetings shall be deemed to be a violation of the terms of this agreement, as shall other violations of your RAMP contract.

- 3. Agree to arrange for the aforementioned comprehensive mental health and substance abuse evaluation report to be forwarded to the Board and to RAMP within 30 days hereof.
- Agree that RAMP shall notify the Board immediately if you become noncompliant with the program requirements and provide the Board with a copy of all documents relating thereto.
- Agree to submit complete copies of the RAMP Initial Application form and RAMP Agreement form to the Board within 30 days hereof.
- 6. Agree to follow the recommendations (if any) by RAMP and/or the evaluator for further treatment, which may include inpatient or intensive outpatient treatment, and/or more lengthy enrollment in RAMP, and to limit your nursing practice if recommended by RAMP. This may include your placing your nursing license into inactive status.
- Agree to be responsible for all costs of the comprehensive mental health and substance abuse evaluation, urine screens, the enrollment participation fees associated with RAMP and/or further treatment and monitoring, if applicable.
- 8. Agree that until successful completion of RAMP you will notify RAMP in writing of any change of employment within 10 days of being terminated, resigning or taking a leave of absence from any place of nursing employment. Also you will notify the Board in writing of any change in name or official address of record within ten days thereof.
- Agree to notify the Board in writing if you are arrested, indicted or convicted of any crime or offense within 10 days thereof.
- 10. Agree to refrain from the use of any and all potentially addictive substances except as prescribed by an authorized health care practitioner. You shall report any such use to RAMP in writing within five days of receiving such a prescription together with the name of the prescribing health care practitioner, the name of the drug, the quantity, frequency, length and reason for its use.
- 11. Agree that your signature on this agreement shall specifically constitute a waiver of confidentiality of documents and information forwarded by the Board to RAMP and by RAMP to the Board, and received pursuant to this agreement, so as to permit their use, and use of this private letter agreement, in any proceeding regarding your license in the event you violate any provision of this agreement.
- 12. Agree that you shall remain in RAMP until successful completion of or release from the program. Agree that unless you have successfully completed RAMP, and received written notification from the Board that you are relieved of the requirements of this letter agreement, you may not modify the conditions of this agreement without submitting a written petition to the Board providing a detailed explanation of the basis for your modification request, and then entering into a new, modified agreement with the Board which may not necessarily be confidential.
- 13. Agree that any deviation from the terms of this private letter agreement without the prior written consent of the Board shall constitute a failure to comply with the terms of this agreement.

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Upon receipt of any reliable information indicating that you have violated any term of this agreement, your nursing license may be automatically suspended by the Board. You may, upon notice, request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding your violation of the agreement was materially false. In addition, the Board reserves the right to bring further disciplinary action.

Upon your forwarding this signed agreement, of which you should retain a copy, to my attention, you should immediately contact Wendy Summers, at (609)883-5335, Extension 23, leaving a message with a telephone number where you may be contacted. In the event that there is no response within 48 hours, you may contact Jamie Smith, RAMP's Interim Director, at (609)883-5335, Extension 20, and leave a message with a contact number. Be prepared to forward a copy of this letter to RAMP. You will be promptly contacted and advised as to how to proceed in order to enroll in RAMP, and to obtain the written evaluation. This agreement and any resulting evaluation shall remain confidential unless you fail to abide by its terms. This agreement shall have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4.

Very truly yours,

By:

Patricia A. Murphy, PhD, APN Board President

I have read the above agreement and agree to be bound by its terms

Linnette Allen

Date

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609-883-5335 | Fax 609-883-1544 Peer Assistance Hotline: 800-662-0108

www.NJSNA.org

Patricia A. Barnett, RN, JD Chief Executive Officer Jamie Smith, MSN, RN, MSN Interim RAMP Director

February 1, 2013 Mr. George Hebert, RN, MA Executive Director New Jersey Board of Nursing 124 Halsey Street 6<sup>th</sup> Floor Newark, NJ 07102

RE: Linnette Allen Participant #3265

LPN# 26NR14428900 (Inactive)

Dear Mr. Hebert.

This letter is to notify you that Linnette Allen RAMP participant #3265 has been noncompliant with her RAMP monitoring requirements.

Ms. Allen was initially enrolled in RAMP for an evaluation. Ms. Allen signed her private letter agreement on June 27, 2012. Following a positive drug screen, Ms. Allen was asked to inactivate her license, which she did on August 8, 2012. Ms. Allen was compliant with her monitoring through January 7, 2013. She was sent a new five year contract on January 3, 2013 following an evaluation with Phoebe Brady. The evaluator stated: "I believe Ms. Allen was not forthcoming. It is my recommendation she should be referred to Level I counseling and remain in RAMP."

Ms. Allen was sent a new five year contract on January 3, 2013 and did not return agreement to RAMP. She ceased participating in RAMP January 7, 2013. A non-compliant letter was sent to participant on January 21, 2013.

#### Non-Compliant Issues Include:

- Failure to sign new five year contract and return to RAMP
- Failure to check in after January 7, 2013
- Failure to attend peer group in January 2013
- Failure to attend drug screen requests (January 18th and 22nd 2013)
- Failure to respond to case manager and non-compliant letter

Ms. Allen has failed to respond to RAMP's efforts to contact her on 1/10/13 and 1/21/13. At this time RAMP cannot assure the BON or the public that she is safe to practice. Please feel free to contact me with any questions or need clarification.

Sincerely,

Jamie Smith MSN, RN, CCRN Interim RAMP Director

Cc: Deborah Zuccarelli RN, NJ BON Nicole Peteet-Davis

# EXHIBIT

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CHRIS CHRISTIE

Governor

KIM GUADAGNO
Lt. Governor

### State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
Newark, NJ 07101

JEFFREY S. CHIESA Attorney General

CHRISTOPHER S. PORRINO Director

May 21, 2013

By regular and overnight mail Ms. Linnette Allen 3730 C Herbert Avenue Pennsauken, NJ 08110

Re: Noncompliance with private letter agreement

Dear Ms. Allen:

The New Jersey State Board of Nursing is in receipt of credible information advising that you are not in compliance with the private letter agreement that you signed on or about June 27, 2012.

The Recovery and Monitoring Program of New Jersey (RAMP) has notified the Board that you were compliant with monitoring requirements until you were sent a new five year contract in January of 2003. RAMP indicates that you failed to return the new agreement to RAMP, signed, and ceased participating in RAMP as of January 7, 2013. You failed to check in after January 7, 2013, failed to attend peer group meetings in January 0f 2013, failed to attend scheduled drug screenings, and failed to respond to efforts on the part of RAMP to contact you.

The private letter agreement that you signed provides for automatic suspension of your nursing license for noncompliance. If the information the Board has received is not accurate, you are advised to forward proofs that you are in compliance with the private letter agreement to my attention within five (5) business days. You may send it to:

D.A.G. Susan Carboni Division of Law P.O. Box 45029 124 Halsey Street, 5<sup>th</sup> Floor Newark, NJ 07101

You may also fax me at (973)648-3879. You should telephone to verify receipt. Your failure to demonstrate that you are in compliance with the private letter agreement may result in the suspension of your nursing license.

Thank you for your attention.

Sincerely yours,

JEFFREY S. CHIESA ATTORNEY GENERAL OF NEW JERSEY

Susan Carboni

Deputy Attorney General



CHRIS CHRISTIE
Governor

KIM GUADAGNO

Lt. Governor

#### State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
Newark, NJ 07101

JEFFREY S. CHIESA Attorney General

CHRISTOPHER S. PORRINO Director

May 21, 2013

By regular and overnight mail Ms. Linnette Allen 5100 Marlton Pike, Apt. #1 Pennsauken, NJ 08109

Re: Noncompliance with private letter agreement

Dear Ms. Allen:

The New Jersey State Board of Nursing is in receipt of credible information advising that you are not in compliance with the private letter agreement that you signed on or about June 27, 2012.

The Recovery and Monitoring Program of New Jersey (RAMP) has notified the Board that you were compliant with monitoring requirements until you were sent a new five year contract in January of 2003. RAMP indicates that you failed to return the new agreement to RAMP, signed, and ceased participating in RAMP as of January 7, 2013. You failed to check in after January 7, 2013, failed to attend peer group meetings in January 0f 2013, failed to attend scheduled drug screenings, and failed to respond to efforts on the part of RAMP to contact you.

The private letter agreement that you signed provides for automatic suspension of your nursing license for noncompliance. If the information the Board has received is not accurate, you are advised to forward proofs that you are in compliance with the private letter agreement to my attention within five (5) business days. You may send it to:

D.A.G. Susan Carboni Division of Law P.O. Box 45029 124 Halsey Street, 5<sup>th</sup> Floor Newark, NJ 07101

You may also fax me at (973)648-3879. You should telephone to verify receipt. Your failure to demonstrate that you are in compliance with the private letter agreement may result in the suspension of your nursing license.

Thank you for your attention.

Sincerely yours,

JEFFREY S. CHIESA ATTORNEY GENERAL OF NEW JERSEY

By: <u>Susan Carboni</u> Susan Carboni

Deputy Attorney General

UPS Worldwide Express®  Shipping Document  See Instructions on back. Visit UPS.com® or call 1-800-PICK-UPS® (800-742-5877) for additional information and UPS Tariff/Terms and Conditions.  TRACKING NUMBER 17 F D4 6 1 F 22 1040 5866  SHIPPERS UPS ACCOUNT F D4 6 1 F	WEIGHT  WEIGHT  WEIGHT  WEIGHT  WEIGHT  WEIGHT  WEIGHT  II Applicable  PACKAGE  RELEASE  TYPE OF SERVICE  FOR INTERNATIONAL SHIPMENTS  CUSTOMS VALUE  ONLY  PICKUP  SATURDAY  PICKUP  PICKUP  See instructions.  DECLARED VALUE  FOR CARRIAGE  F
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1ZF0461E2210405848

Alternate Tracking Number : 1ZF0461E1210405849

Updated: 06/14/2013 3:39 P.M. Eastern Time

Returning to Sender

Lawnside, NJ, United States, Monday, 06/03/2013

Change Delivery »

Request Status Updates »

Shipping Information

NEWARK, NJ, US

Shipped By

UPS 3 Day Select®

Additional Information

Shipped/Billed On: Type:

05/21/2013

Package

**Shipment Progress** 

Lawnside, NJ, United States

Louisville, KY, United States

Newark, NJ, United States

What's This?

Location	Date	Local Time	Activity
Lawnside, NJ, United States	06/03/2013	7:21 A.M.	The receiver was closed on the 3rd delivery attempt. / Returned to shipper. Alternate Tracking Number 1ZF0461E1210405849
05/24/201 Lawnside, NJ, United States 05/23/201	05/24/2013	6:23 P.M.	The receiver was closed on the 3rd delivery attempt. / A postcard has been sent to the recipient requesting that they contact UPS.
	05/24/2013	9:08 A.M.	The receiver was closed on the 3rd delivery attempt.
	05/23/2013	9:15 A.M.	The customer was not available on the 2nd attempt. A 3rd attempt will be made.
	05/23/2013	4:10 A M	Out For Delivory

05/22/2013 1:08 P.M. The customer was not available on the 1st attempt. A 2nd attempt will be made.

05/22/2013 9:16 A.M. The customer was not available on the 1st attempt. A 2nd attempt will be made.

05/22/2013 7:42 A.M. Out For Delivery 05/22/2013 7:00 A.M. Arrival Scan

Philadelphia, PA, United States 05/22/2013 6:30 A.M. Departure Scan

05/22/2013 6:18 A.M. Arrival Scan

05/22/2013 4:30 A.M. Departure Scan

05/22/2013 1:07 A.M. Arrival Scan

05/21/2013 10:59 P.M. Departure Scan 05/21/2013 10:25 P.M. Origin Scan

05/21/2013 7:28 P.M. Pickup Scan

05/21/2013 8:00 P.M. Order Processed: Ready for UPS Cars Par CHOUSE .

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Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:

1ZF0461E2210405866

UPS Next Day Air®

Shipped/Billed On:

05/21/2013

Delivered On: Delivered To:

05/22/2013 9:40 A.M.

Left At:

PENNSAUKEN, NJ, US

Front Door

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 06/14/2013 3:41 P.M. ET

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# EXHIBIT

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DEPARTMENT OF LAW AND PUBLIC SAFETY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF NURSING

## CERTIFICATION OF SUZANNE KINKLE

- I, Suzanne Kinkle, of full age, certify:
- 1. I am a registered nurse in the State of New Jersey, and employed as the Director and custodian of the records of the Recovery and Monitoring Program of New Jersey (RAMP), with offices at the New Jersey State Nursing Association, 1479 Pennington Road, Trenton, New Jersey 08618. I have been employed in that capacity since May 6, 2013.
- 2. I have consulted the records used by RAMP in the ordinary course of business and have ascertained that Linnette Allen, R.N., who has been participating in RAMP, was compliant with monitoring requirements through January 7, 2013. She ceased participating in RAMP after that date. She has ceased calling in daily as required, has ceased attending peer group meetings, and has failed to attend scheduled drug screenings or to respond to RAMP's attempts to contact her. Although she telephoned RAMP on May 29, 2013, she has not returned to compliance with program requirements.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

uzarne Kinkle, R.N.

Director

Recovery and Monitoring Program

Dated: 6/12/13